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*Proposed Attorney for Debtor***UNITED STATES BANKRUPTCY COURT
DISTRICT NEVADA**

IN RE: SCHULTE PROPERTIES, LLC

DEBTOR

CASE: 17-12883-mkn

CHAPTER 11

Hearing Date: August 30, 2017

Hearing Time: 9:30 am

Estimated Time for Hearing: 15

**MOTION TO ASSUME UNEXPIRED LEASE BETWEEN SCHULTE PROPERTIES
LLC AND TENANTS FOR RESIDENTIAL PROPERTY AT 5218 MISTY MORNING
DR, LAS VEGAS NV 89118-0600 PURSUANT TO 11 U.S. CODE § 365****NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING**

Pursuant to LR 9014.1, the court will consider this motion, objection, or other matter without further notice of hearing unless a party in interest files an objection within twenty-one (21) days from the date of service of this paper. If you object to the relief requested in this paper, you may file your objection at the bankruptcy clerk's office located in Las Vegas at the United States Bankruptcy Court, 300 Las Vegas Blvd. South, Las Vegas, Nevada 89101, and serve a copy on the movant's attorney and any other appropriate persons.

The objecting party has a duty to timely set the objection for a hearing and properly notice all parties in interest. If you do not file an objection within the time permitted, then:

- The court may refuse to allow you to speak at the scheduled hearing; and
- The court may rule against you without formally calling the matter at the hearing; and
- An order granting the requested relief may be entered by the court without further notice or hearing.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Debtor, Schulte Properties LLC, moves this court for an order authorizing debtor to assume the unexpired lease between Melani Schulte and tenants, BILLY OBEDOZA and KAMI CONSELVA. As grounds for the assumption, Debtor states:

1. This case was commenced on May 31, 2017 by a voluntary petition for relief under chapter 11 of title 11 of the United States Code.
2. Schulte Properties LLC is the debtor in possession.
3. Melani Schulte is the sole member of Schulte Properties LLC. Melani Schulte is the prior owner and Schulte Properties LLC is the current owner of the property located at 5218 MISTY MORNING DR, LAS VEGAS NV 89118-0600 ("the Subject Property"). The tenants, BILLY OBEDOZA and KAMI CONSELVA, signed a lease with Melani Schulte which should be assigned to Schulte Properties LLC as the current property owner.
4. No prior motion for acceptance of this lease has been filed and no plan has been confirmed.
5. The Subject Property is a single family residence with 2276 square feet of livable space, 4/3 bedrooms / bathrooms, 2 stories and no pool.
6. Pursuant to 11 U.S.C. section 365, debtor asks the Court to accept the lease between the tenants, BILLY OBEDOZA and KAMI CONSELVA, and Melani Schulte as between Schulte Properties LLC and the tenants. The terms of the lease are as follows:
 - a. The lease expires on 8/1/18.
 - b. The gross rent is \$1,790.00.
7. The assumption of the lease is in the best interest of the estate.

1 8. A copy of the unexpired lease is available upon request and has already been provided to
2 the Office of the US Trustee.

3 **Applicable Legal Standards**

4 Section 365 governs the treatment of executory contracts and unexpired leases. Subject
5 to bankruptcy court approval, a debtor-in-possession may assume or reject an executory contract
6 or unexpired lease of the debtor. See 11 U.S.C. § 365(a).⁹ Moreover, the trustee may assume or
7 reject an unexpired lease of residential real property at any time before the confirmation of the
8 plan. See 11 U.S.C. § 365(d)(2).
9

10 In this case, a plan has not yet been confirmed and the court has jurisdiction to approve
11 the assumption of the unexpired lease.
12

13 **Conclusion**

14 WHEREFORE, debtor prays for an order from the Court authorizing and approving the
15 assumption of the unexpired lease between Schulte Properties LLC and BILLY OBEDOZA and
16 KAMI CONSELVA as being in the best interest of the estate.
17

18
19 Dated: 26 July 2017

20
21 

22 **AMBERLEA DAVIS**
23 *Proposed Counsel for Debtor*
24 NV Bar #11551
25
26

27
28 ⁹ While Section 365 refers to the rights and obligations of a bankruptcy trustee, a Chapter 11 debtor-in-possession has the same rights and obligations, with exceptions not applicable to this case, under Section 1107(a).

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Certificate of Service

On July 26, 2017, I served the above documents listed as

- Motion to Assume Unexpired Lease between Schulte Properties LLC and Tenants for Residential Property at 5218 MISTY MORNING DR, LAS VEGAS NV 89118-0600 Pursuant to 11 U.S.C § 365; and
- Notice of Hearing on Motion and Opportunity to Object

were served by the following means to on the persons listed below:

1. Via ECF System:

Amberlea Davis on behalf of Debtor Schulte Properties LLC,
amber@sheismylawyer.com

2. By United States Mail, First Class Postage Prepaid:

- AJA CAMPBELL, LESSOR, 3729
DISCOVERY CREEK AVE,

NORTH LAS VEGAS NV 89031-
3603

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- BRENDA TORRES LOPEZ, LESSOR, 9500 ASPEN GLOW DR, LAS VEGAS NV 89134-0134
- CHRIS WIRTA, LESSOR, 2460 AVENIDA CORTES, HENDERSON NV 89074-6349
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- BAYVIEW LOAN SERVICING, LLC, 4425 PONCE DE LEON BLVD FL 5, CORAL GABLES FL 33146-1837
- CHASE HOME FINANCE, LLC, 3415 VISION DR, COLUMBUS OH 43219-6009

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Dated: 26 July 2017

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